

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Camden Vicinage)**

Jeffrey Bowman and Laurie Bowman
Individually & as H/W
403 New Jersey Road
Browns Mills, NJ 08015

Plaintiffs,

NO.: 10-2912

v.

Wells Fargo Bank, N.A.
Wells Fargo Center
Sixth Street & Marquette Avenue
Minneapolis, MN 55479

And

American Bankers Insurance
Company of Florida
11222 Quail Roost Drive
Miami, FL 33157-6543

Defendants.

Jury Trial of Twelve (12) Jurors Demanded

ORDER

AND NOW this _____ day of _____, 2010, upon consideration of counsel for Plaintiffs' Motion for Leave to Withdraw and Plaintiffs' Motion for Interim Stay, and any response thereto, it is hereby ORDERED and DECREED that counsel's and Plaintiffs' Motion is GRANTED, and the Clerk shall mark counsel's appearance terminated.

All proceedings shall stay thirty (30) days to enable Plaintiffs to seek substitute counsel or enter their appearance, *pro se*. Failure of the foregoing will result in this matter being dismissed, without prejudice.

AND IT IS SO ORDERED.

Joel Schneider

,M.J.

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**COUNSEL FOR PLAINTIFFS' MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
AND PLAINTIFFS' MOTION FOR INTERIM STAY**

1. This is an action pertinently arising under the Consumer Fraud Act secondary to Defendants' failure to comply with the terms of Plaintiffs' unemployment insurance benefits.
2. Subject to attorney-client privilege, counsel for Plaintiff having exhaustively reviewed this matter himself and unrelated counsel believes this action cannot be prosecuted pursuant to the confines Rule 11 and 28 U.S.C. § 1927. Without infringing upon attorney-client privilege, Defendants' refusal to tender unemployment insurance benefits was only temporary and those benefits have since been extended – this activation of benefits was previously unknown to counsel having been discovered not through Plaintiffs but through Defendants via informal discovery. Further, counsel does not believe any interim damages to be legally compensable.

3. Likewise, contingent fee counsel cannot afford ongoing prosecution.
4. Notwithstanding, Plaintiffs have repeatedly refused timely communication with counsel leading to this Honorable Court entering a discovery compel Order.
5. If denied leave to withdraw, counsel's attendance to this matter would (time and financially) irreparably prejudice counsel's (sole proprietor) abilities towards other clients.
6. The foregoing creates an irreconcilable conflict of interest.
7. Under separate cover (subject to attorney-client privilege), counsel has advised Plaintiff of the aforesaid as well as Plaintiffs' rights and obligations regarding this matter and this Honorable Court.
8. This Motion has been served upon Plaintiffs.
9. On behalf of Plaintiffs, Plaintiffs requests interim stay.

WHEREFORE, counsel for Plaintiff requests this Honorable Court's leave to withdraw as counsel and Plaintiffs request interim stay both consistent with the attached proposed Order.

WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff

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Miami, FL 33157-6543	:		
	:		
Defendants.	:		

**MEMORANDUM OF LAW IN SUPPORT OF COUNSEL FOR PLAINTIFFS' MOTION
FOR LEAVE TO WITHDRAW AS COUNSEL AND PLAINTIFFS' MOTION FOR
INTERIM STAY**

Pursuant to the New Jersey Rules of Professional Conduct (1.16):

...[A] lawyer may withdraw from representing a client if:

- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer...; or
- (7) other good cause for withdrawal exists.

WHEREFORE, counsel for Plaintiffs request this Honorable Court's leave to withdraw as counsel and Plaintiffs request interim stay both consistent with the attached proposed Order.

WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff

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	:		
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CERTIFICATE OF SERVICE

I, Matthew B. Weisberg, Esquire, hereby certify that on this 22nd day of December, 2010, a true and correct copy of the foregoing Counsel for Plaintiff's Motion for Leave to Withdraw as Counsel and Plaintiff's Motion for Interim Stay and Memorandum of Law in support thereof was served via ECF and regular mail, respectively, upon the following parties:

Jeffrey Bowman and Laurie Bowman
403 New Jersey Road
Browns Mills, NJ 08015

Charles A. Gruen, Esq.
381 Broadway
Suite 300
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Michael W. O'hara, Esq.
Duane Morris, LLP
100 American Metro Boulevard
Suite 150
Hamilton, NJ 08619-2304

WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff